

ALAN J. LAZARUS (State Bar No. 129767)  
KRISTA L. COSNER (State Bar No. 213338)  
DRINKER BIDDLE & REATH LLP  
50 Fremont Street, 20<sup>th</sup> Floor  
San Francisco, California 94105  
Telephone: (415) 591-7500  
Facsimile: (415) 591-7510

Attorneys for Defendant  
SMITHKLINE BEECHAM CORPORATION dba  
GLAXOSMITHKLINE

E-filing

ORIGINAL  
FILED  
08 MAY 21 PM 2:42  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WDB

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ROSENA PERKINS as Personal  
Representative of MATTHEW PERKINS  
(Deceased); ANNETTA THRASHER as  
Personal Representative of VERNAL  
OSENTON (Deceased); WILLIAM  
WRIGHT as Personal Representative of  
MARY WRIGHT (Deceased); JOAN  
MOORE as Personal Representative of  
DANNY MOORE (Deceased),

Plaintiffs,

v.

SMITHKLINE BEECHAM  
CORPORATION dba  
GLAXOSMITHKLINE and McKESSON  
CORPORATION,

Defendants.

CV Case No. 08

2574

**NOTICE OF PENDENCY OF OTHER  
ACTION OR PROCEEDING  
[CIV. L.R. 3-13]**

Pursuant to Civil L.R. 3-13, defendant SMITHKLINE BEECHAM  
CORPORATION dba GLAXOSMITHKLINE ("GSK") submits the following Notice of  
Pendency of Other Action or Proceeding:

On October 16, 2007, the Judicial Panel on Multidistrict Litigation ("JPML")  
created MDL 1871, *In re Avandia Marketing, Sales Practices and Products Liability  
Litigation*, directing that then-pending Avandia®-related cases be transferred and

1 coordinated for pretrial proceedings in the United States District Court for the Eastern  
 2 District of Pennsylvania, before the Honorable Cynthia M. Rufe, pursuant to 28 U.S.C.  
 3 §1407. To date, over 100 cases have been transferred to MDL 1871, and transfers of  
 4 additional "tag-along" actions are pending. GSK seeks the transfer of this action to MDL  
 5 1871. Pursuant to Civil L.R. 3-13, GSK therefore respectfully requests that this Court  
 6 stay this action, pending a decision on transfer by the JPML, to achieve judicial  
 7 economies that underlie 28 U.S.C. Section 1407 (Multi-District Litigation Procedures)  
 8 and to avoid conflicts, conserve judicial resources, and promote an efficient  
 9 determination of the action.

10 Please take note that, in addition to MDL 1871, the following state court actions  
 11 also allege marketing, sales practice and/or product liability claims against SmithKline  
 12 Beecham Corporation dba GlaxoSmithKline, related to the use of the prescription drug  
 13 Avandia:

- 14 1. *Bane, June v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline,*  
 15 *Court of Common Pleas, Philadelphia County (Writ of Summons only);*
- 16 2. *Barnes, Sydney, Barnes, Sue Ellen v. SmithKline Beecham Corporation*  
 17 *d/b/a GlaxoSmithKline, Court of Common Pleas, Philadelphia County (Writ of Summons*  
 18 *only);*
- 19 3. *Burford, Karen v. SmithKline Beecham Corporation d/b/a*  
 20 *GlaxoSmithKline, Court of Common Pleas, Philadelphia County (Writ of Summons*  
 21 *only);*
- 22 4. *Bosak, Kenneth, Bosak, Patricia v. SmithKline Beecham Corporation d/b/a*  
 23 *GlaxoSmithKline, Court of Common Pleas, Philadelphia County, No. 000521;*
- 24 5. *Carrassquillo, Jose v. SmithKline Beecham Corporation d/b/a*  
 25 *GlaxoSmithKline, Court of Common Pleas, Philadelphia County (Writ of Summons*  
 26 *only);*
- 27 6. *Cearley, Travis v. SmithKline Beecham Corporation, GlaxoSmithKline, and*  
 28 *SmithKline Beecham Corporation d/b/a GlaxoSmithKline, Court of Common Pleas,*

1 Philadelphia County, No. 003877;

2 7. *Fabyankovic, Janet v. SmithKline Beecham Corporation, McKesson*  
3 *Corporation and Does 1 through 15*, Superior Court for the State of California, San  
4 Francisco County, No. 08-471571;

5 8. *Garcia, Yolanda v. SmithKline Beecham Corporation d/b/a*  
6 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 001967;

7 9. *Greer, Betty, individually and as Administrator of the Estate of Ernest*  
8 *Greer v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court of Common  
9 Pleas, Philadelphia County, Case No. not yet assigned;

10 10. *Hall, Charles, Hall Susan v. SmithKline Beecham Corporation d/b/a*  
11 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002712;

12 11. *Hall, Clarence v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,  
13 Marion County Superior Court, Indiana, No. 49013 08 03 CT 013930;

14 12. *Kelley, Terry v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,  
15 Court of Common Pleas, Philadelphia County, No. 004390;

16 13. *Kelly, Joseph v. SmithKline Beecham Corporation, GlaxoSmithKline, and*  
17 *SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Supreme Court of the State of  
18 New York, Erie County, No. 12007-11066;

19 14. *Kennedy, Karen v. SmithKline Beecham Corporation d/b/a*  
20 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 00391;

21 15. *Killinger, Cheryl v. SmithKline Beecham Corporation d/b/a*  
22 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons  
23 only);

24 16. *Kozar, Agnes, Kozar, Francis A. (Estate of) v. GlaxoSmithKline, PLC*,  
25 Court of Common Pleas, Philadelphia County, No. 004897;

26 17. *Lipski, Henry v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,  
27 Court of Common Pleas, Philadelphia County, No. 002966;

28 18. *Long, Barbara v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,

1 Court of Common Pleas, Philadelphia County (Writ of Summons only);

2 19. *Massey, Barbara v. SmithKline Beecham Corporation d/b/a*  
3 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons  
4 only);

5 20. *Mauro, Betty v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*,  
6 Court of Common Pleas, Philadelphia County, No. 001141;

7 21. *McClure, Benjamin, McClure, Susan v. SmithKline Beecham Corp. d/b/a*  
8 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 004431;

9 22. *Mick, Renee v. GlaxoSmithKline PLC, Rite Aid Pharmacy, and Rite Aid of*  
10 *New York, Inc.*, Niagara County Supreme Court, New York, No. 132826;

11 23. *Moon, Charles v. SmithKline Beecham Corporation d/b/a*  
12 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons  
13 only);

14 24. *Parks, Josephine v. SmithKline Beecham Corporation, et al.*, Court of  
15 Common Pleas, Philadelphia County, No. 001670;

16 25. *Pereira, Karen v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*  
17 *and Michael Margolis*, Worcester County Superior Court, Massachusetts, No. 08-0775A;

18 26. *Perrenot, Preston v. SmithKline Beecham Corporation d/b/a*  
19 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002454;

20 27. *Scheffler, Frank v. SmithKline Beecham Corporation d/b/a*  
21 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County (Writ of Summons  
22 only);

23 28. *Self, Joe v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court  
24 of Common Pleas, Philadelphia County, No. 002457;

25 29. *Tartack, Nancy, Tartack, Louis v. SmithKline Beecham Corporation*,  
26 *GlaxoSmithKline, and SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court  
27 of Common Pleas, Philadelphia County, No. 004010;

28 30. *Thomas, Samuel, Thomas Ruth Ann v. SmithKline Beecham Corporation*

1 *d/b/a GlaxoSmithKline, Court of Common Pleas, Philadelphia County, No. 002483;*

2 31. *Walker, Juliet v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline,*  
3 *Court of Common Pleas, Philadelphia County, No. 001054;*

4 32. *White, Glenn v. SmithKline Beecham Corp., GlaxoSmithKline, and*  
5 *SmithKline Beecham Corp. d/b/a GlaxoSmithKline, Court of Common Pleas,*  
6 *Philadelphia County, No. 003674;*

7 33. *Williams, Adam v. SmithKline Beecham Corporation d/b/a*  
8 *GlaxoSmithKline, Commonwealth of Kentucky, 11<sup>th</sup> Judicial Circuit, No. 08-CI-00089;*

9 34. *Wright, Michelle v. SmithKline Beecham Corporation d/b/a*  
10 *GlaxoSmithKline, Court of Common Pleas, Philadelphia County (Writ of Summons*  
11 *only);*

12 35. *Yeager, Elizabeth, et al. v. SmithKline Beecham Corporation,*  
13 *GlaxoSmithKline, and SmithKline Beecham Corporation d/b/a GlaxoSmithKline, Court*  
14 *of Common Pleas, Philadelphia County, No. 004055;*

15 36. *Yogus, William, Yogus, Barbara v. SmithKline Beecham Corporation d/b/a*  
16 *GlaxoSmithKline, Court of Common Pleas, Philadelphia County, No. 003669; and*

17 37. *Yubeta, George v. SmithKline Beecham Corporation d/b/a*  
18 *GlaxoSmithKline, Court of Common Pleas, Philadelphia County, No. 000466.*

19  
20 Dated: May 4, 2008

DRINKER BIDDLE & REATH LLP

21   
22 KRISTA L. COSNER

23 Attorneys for Defendant  
24 SMITHKLINE BEECHAM  
25 CORPORATION dba  
26 GLAXOSMITHKLINE  
27  
28